

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS**

GILBERTO PEREIRA BRITO, FLORENTIN AVILA LUCAS, and JACKY CELICOURT, individually and on behalf of all those similarly situated,

Plaintiff-Petitioners,

v.

WILLIAM BARR, et al.,

Defendant-Respondents.

Case No. 19-11314-PBS

Date: _____, 2019

PROPOSED FINAL JUDGMENT

Petitioners' Motion for Entry of Final Judgment (Dkt. No. _____) is GRANTED.

The Court DECLARES that each class member is entitled to receive a bond hearing at which the government bears the burden to justify continued detention by proving by clear and convincing evidence that the detainee is a danger to others or a flight risk, and, even if he or she is, that no condition or combination of conditions will reasonably assure the detainee's future appearance and the safety of the community, and which includes consideration of the detainee's ability to pay in selecting the amount of any bond and suitability for release on alternative conditions of supervision.

The Court further ORDERS that:

Each class member shall receive a bond hearing at which the government bears the burden to justify continued detention by proving by clear and convincing evidence that the detainee is a danger to others or a flight risk, and, even if he or she is, that no condition or

combination of conditions will reasonably assure the detainee's future appearance and the safety of the community, and which includes consideration of the detainee's ability to pay in selecting the amount of any bond and suitability for release on alternative conditions of supervision.

Defendants shall release any class member from custody who is not provided a bond hearing consistent with this Order within fourteen days of the entry of this Order or after the class member's detention under 8 U.S.C. § 1226(a) begins. The time period may be extended at the request of the detainee.

Defendants shall give notice to all current and future class members. The parties shall submit a proposed form of notice, jointly if possible but separately if necessary, for the Court's consideration within fourteen days of this Order.

Within thirty days of the date of this order, and every six months thereafter, Defendants shall file, and serve on class counsel, a status report with the following compliance data about all new class members: detainee name, detention facility, alien number, nationality, book-in date, hearing date, hearing outcome (including bond amount or release conditions, if any set), whether the person was released and, if so, the book-out date.

SO ORDERED.

Hon. Patti B. Saris
CHIEF UNITED STATES DISTRICT JUDGE
United States District Court for the
District of Massachusetts

Date: _____

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